

1 CHARLES A. MICHALEK, ESQ.

Nevada Bar No. 5721

2 ROGERS, MASTRANGELO, CARVALHO & MITCHELL

700 South Third Street

3 Las Vegas, Nevada 89101

4 Phone (702) 383-3400

Fax (702) 384-1460

5 Email: [cmichalek@rmcmlaw.com](mailto:cmichalek@rmcmlaw.com)

6 -and-

7 BRIAN T. MAYE, ESQ.

(Admitted *Pro Hac Vice*)

8 Fitzpatrick, Hunt & Pagano, LLP

9 10 South LaSalle Street, Suite 3400

Chicago, Illinois 60603

10 Phone (312) 728-4000

11 Fax (312) 728-4950

Email: [brian.maye@fitzhunt.com](mailto:brian.maye@fitzhunt.com)

12 *Attorneys for Defendant Frontier Airlines, Inc.*

13  
14 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

15 EDDIE FRIERSON, ET AL.,

Case No.: 2:24-cv-02181-RFB-MDC

16 Plaintiffs,

17 v.

18 FRONTIER AIRLINES, INC., ET AL.,

19 Defendants.  
20

21 Plaintiffs Eddie Frierson, Alberto Cardoso-Ramirez, Ana Figueroa-Cueva, Deanna  
22 Daniels, Janelle Johnson, Joseph Johnson, Jayden Eggleston, Melisa Gutierrez-Tolosa, Michael  
23 Martinez, Stacy Martinez, Sadie Joseif, Kevin Joseif, Travis Scarbrough, Mariela Estrada,  
24 Kwantida Payakka, Joel Martinez Guerra, Rocio Medina Solarte, Toni O'Neill and Arturo  
25 Castanares (collectively "Plaintiffs"), through their undersigned counsel, and Defendant, Frontier  
26 Airlines, Inc. ("Frontier"), through its undersigned counsel, hereby submit this proposed  
27 scheduling plan and discovery order.  
28

**Proposed Discovery Plan**

The parties held the Rule 26(f) conference on December 18, 2024, January 17, 2025, and January 22, 2025, to discuss the joint status report, which was filed on December 24, 2024, and the preparation and submission of a proposed joint scheduling order and discovery plan. Based on the foregoing, the parties submit the following discovery plan in compliance with LR 26-1.

**A. Discovery Cut-off.**

Frontier first appeared in this matter on November 21, 2024. The parties propose the deadline to complete discovery be set for **August 14, 2026**. The parties note that this proposed discovery period exceeds the 180-day period contemplated by LR 26-1. Pursuant to LR 26-1(a), the parties provide the following statement in support of their request for a longer discovery period.

Currently, there are twenty-six (26) plaintiffs named in the Complaint. It is anticipated that at least eight more individuals will seek to be added as plaintiffs in this case. Further, it is the parties' understanding that the NTSB has not yet completed its investigation of the subject incident. Additionally, before any manual material can be produced by Frontier in this matter, the Transportation Security Administration (TSA) is required to complete a sensitive security information (SSI) determination, which is typically an extended process. Further, it is anticipated that the depositions of the parties, medical providers, percipient witnesses and experts will take an extended period of time. Accordingly, the parties anticipate a discovery period of 18 to 24 months due to the number of parties, the involvement of federal government agencies, anticipated medical discovery, and expert discovery regarding liability and damages.

**B. Amending the Pleadings and Adding Parties.**

The last date for filing motions to amend the pleadings or to add parties shall be no later than 90 days prior to the close of discovery. In this action the last date for filing motions to amend the pleadings or add parties shall be **March 15, 2026**.

1           **C.     Fed. R. Civ. P. 26(a)(2) Disclosures (Experts).**

2           The last date for disclosure of expert witnesses shall be 60 days before discovery cut-off  
3 date. In this action, the last date for disclosure of experts shall be **June 19, 2026**. The last day for  
4 disclosure of rebuttal expert witnesses shall be made 30 days after the initial disclosures of  
5 experts, or by **July 20, 2026**.

6           **D.     Dispositive Motions.**

7           The last date for filing dispositive motions shall be no later than 30 days after the  
8 discovery cut-off date. In this action, the last date for filing dispositive motions will be  
9 **September 15, 2026**.

10           **E.     Pretrial Order.**

11           The Joint Pretrial Order shall be filed no later than 30 days after the date set for filing  
12 dispositive motions. In this action, the Joint Pretrial Order shall be filed on or before **October 15,**  
13 **2026**. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be  
14 suspended until 30 days after the decision of the dispositive motions or further order of the Court.

15           **F.     Fed. R. Civ. P. 26(a)(3) Disclosures.**

16           The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be  
17 included in the Pretrial Order.  
18

19           **G.     Alternative Dispute Resolution.**

20           The parties certify that they have considered the use of alternative dispute resolution  
21 procedures and will further evaluate the potential for ADR as the case moves forward.  
22

23           **H.     Alternative Forms of Case Disposition.**

24           The parties certify that they have considered consent to trial by a Magistrate Judge but  
25 at this time do not consent.  
26  
27  
28

**I. Electronic Evidence.**

The parties certify that they have discussed whether they intend to present evidence in an electronic format. The parties did not enter any stipulations regarding the use of evidence in an electronic format.

**J. Extensions or Modifications of the Discovery Plan and Scheduling Order.**

Applications to extend any date set by the discovery plan/scheduling order shall be received by the Court on or before twenty-one (21) days before the expiration of the subject deadline and must fully comply with Local Rule 26-3 by including the following:

- A statement specifying the discovery completed by the parties as of the date of the motion or stipulation;
- A specific description of the discovery, which remains to be completed;
- The reasons why remaining discovery was not completed within the time limits of the existing discovery deadline; and
- A proposed schedule for the completion of all remaining discovery.

Prior to moving for an extension of any date contained within this order, the parties agree to conduct a good faith meet and confer regarding the request.

DATED this 22<sup>nd</sup> day of January 2025.

/s/ Scott R. Cook

SCOTT R. COOK, ESQ.

Nevada Bar No. 5265

DIMOPOULOS LAW FIRM

6671 S. Las Vegas Blvd., Suite 275

Las Vegas, NV 89119

Phone: (702) 800-6000

Fax: (702) 224-2114

[sc@stevedimopoulos.com](mailto:sc@stevedimopoulos.com)

DATED this 22<sup>nd</sup> day of January 2025.

/s/ Brian T. Maye

BRIAN T. MAYE, ESQ.

(Admitted Pro Hac Vice)

FITZPATRICK, HUNT & PAGANO, LLP

10 South LaSalle Street, Suite 3400

Chicago, Illinois 60603

Phone (312) 728-4000

Fax (312) 728-4950

Email: [brian.maye@fitzhunt.com](mailto:brian.maye@fitzhunt.com)

and

CHARLES A. MICHALEK, ESQ.

Nevada Bar No. 5721

ROGERS, MASTRANGELO, CARVALHO &

MITCHELL

700 South Third Street

Las Vegas, Nevada 89101  
Phone (702) 383-3400  
Fax (702) 384-1460  
Email: [cmichalek@rmcmlaw.com](mailto:cmichalek@rmcmlaw.com)

**IT IS SO ORDERED.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted,

/s/ Brian T. Maye

Counsel for Frontier Airlines, Inc.